IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ALLEN JACKSON	§	
VS.	§	CIVIL ACTION NO. 1:22cv29
TDCJ DIRECTOR, ET AL.	§	

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Plaintiff Allen Jackson, an inmate confined in the Federal Correctional Institution at Beaumont, Texas, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Director of the Texas Department of Criminal Justice, Sergeant Lewis and Lieutenant Bazan.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendant reside or in which the claim arose.
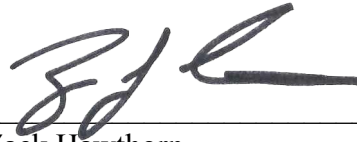
Plaintiff complains of events which occurred at the Ferguson Unit, which is located in Madison County, Texas. Plaintiff's claims therefore arose in Madison County. In addition, two of the defendants appear to reside in Madison County. Pursuant to 28 U.S.C. § 124, Madison County is located in the Houston Division of the Southern District of Texas.

As Madison County is not located in the Eastern District of Texas, and none of the defendants reside in the Eastern District, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). The court is of the opinion it would be in the interests of justice to transfer this case to the correct district.

<u>ORDER</u>

Accordingly, it is **ORDERED** this case is transferred to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 2nd day of February, 2022.

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Zack Hawthorn
United States Magistrate Judge